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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,262	09/26/2003	Karp-sik Youn	1349.1263	4945
21171	7590	07/19/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,262

Applicant(s)

YOUN, KARP-SIK

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-26 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 10, 2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 18 recite, "wherein the image forming apparatus is an inkjet printer", which renders scope of the claims unclear. Is a pulley fixing device being claimed or an inkjet printer being claimed? Claims 17 and 18 do not further limit the pulley fixing apparatus they limit an inkjet printer. It appears to be a combination/subcombination problem and it is advised that the applicant cancel the claims and submit new claims in independent form claiming the combination of the pulley fixing apparatus and inkjet printer.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-8, 14, 15, 19, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford (US 3,413,866).

Ford discloses a pulley fixing apparatus comprising: a pulley fixing part (23, 22) rotatably fixing a driven pulley (25) on the frame (see Fig 3); a sliding part (22) movably supporting the pulley fixing part on the frame (see Fig 3); and an automatic tension adjusting part including an elastic pulling spring (29) disposed between the pulley fixing part and the frame to elastically bias the pulley fixing part in a first direction and impart a predetermined tension to the power-transmitting belt (col. 1 lines 10-15), a first fixing part (27), a second fixing part (28) arranged between the first fixing portion and the driven pulley (see Fig 5), the elastic pulling spring has one end fixed at the first fixing portion and another end fixed at the second fixing portion to push the driven pulley outwardly from the second fixing portion of the frame (see Fig 5), wherein the driven pulley is pushed from an inside of the belt when the spring is in tension (see Fig 2).

Re claim 2, a plate member (17) having a driven pulley support supporting the driven pulley and exposing a circumference surface of the driven pulley that contacts

the power-transmitting belt (see Fig 2) to ease installation and removal of the power-transmitting belt.

Re claim 3, the sliding part (22) comprises a slide protrusion (27) positioned at the pulley fixing part; and the frame has a protrusion guide hole (21) positioned to receive and guide the slide protrusion (see Figs 2 and 4).

Re claims 5-8, even though product-by-process claims are limited by and defined by the process, determination is based on the product itself. The patentability of a product does not depend on its method of production (i.e. installation and assembly). See MPEP 2113.

Re claim 14, the first fixing portion comprises a first hook positioned at the one end of the elastic spring (see Fig 3), and a first fixing protrusion (27) to fix the first hook positioned at the pulley fixing part; and the second fixing portion comprises a second hook positioned at the other end of the elastic spring (see Fig 3), and a second fixing protrusion (28) to fix the second hook positioned at the frame to protrude through a penetrated hole positioned at the pulley fixing part (the term hook is broadly interpreted to mean "a sharply bent device used to fasten something else).

Re claim 15, the automatic tension adjusting part further comprises: an anti-release portion (19, 20) to prevent the pulley fixing part from being released from the frame by an external force of predetermined magnitude.

Re claim 19, a locking part (col. 3 lines 7-12) to lock the pulley fixing part after the tension of the power-transmitting belt installed on the driven pulley is adjusted.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 3,413,866) in view of Holbrook (4,969,859).

Ford discloses a device as described above, but does not disclose the sliding part comprising first, second, third, and fourth slide protrusions positioned at the pulley fixing part; and the frame has corresponding first, second, third, and fourth protrusion guide holes positioned to receive and guide the respective slide protrusions.

Holbrook teaches the sliding part comprises first, second, third, and fourth slide protrusions positioned at the pulley fixing part (see Fig 1); and the frame has corresponding first, second, third, and fourth protrusion guide holes positioned to receive and guide the respective slide protrusions (see Fig 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ford to include first, second, third, and fourth slide protrusions and guide holes as taught by Holbrook in order to simplify construction and reduce cost.

Re claim 20, Ford discloses the locking part as described above, but does not disclose the locking part comprising an elongated adjusting-guide with a long axis

oriented at the pulley fixing part along the direction in which the pulley fixing part is elastically urged, a threaded hole positioned at the frame to correspond to the elongated adjusting-guide hole; and a locking screw engaging the threaded hole through the elongated adjusting-guide hole.

Holbrook teaches the use of a locking part comprising an elongated adjusting-guide (48) with a long axis oriented at the pulley fixing part along the direction in which the pulley fixing part is elastically urged (see Fig 1); a threaded hole (see Fig 1) positioned at the frame to correspond to the elongated adjusting-guide hole; and a locking screw (64) engaging the threaded hole through the elongated adjusting-guide hole.

It would have been obvious to one having ordinary skill in the art at the time the invention was to modify the device of Ford to include an elongated adjusting-guide, a threaded hole, and a locking screw as taught by Holbrook in order to simplify construction and reduce cost.

8. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 3,413,866) in view of Holbrook (4,969,859) and Burgoon (US 5,141,083).

Ford discloses a device as described above, but does not disclose an anti-push portion to prevent a fixing part from being pushed, having at least one projection/burr to protrude toward the fixing part.

Burgoon discloses an anti-push portion to prevent a fixing part from being pushed, having at least one projection/burr to protrude toward the fixing part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ford to include an anti-push portion as taught by Burgoon in order to prevent separation of the members (col. 3 lines 6-15).

Allowable Subject Matter

9. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP-9-240100 (belt tensioner)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vicky A. Johnson
Primary Examiner
Art Unit 3682

7/13/06